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On the Date of September 25, 2003

Margaret Aytough

PATENT

Docket #0200528-0006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: 0200528-0006
Applicant: Brandt, Richard A.
Serial No.: 09/971,830
Filed: 10/04/01
For: Sports Racket Having a Uniform String Structure

Group: 3711
Examiner: Chiu, Raleigh W.
New York, New York, 10020

PETITION TO REQUEST WITHDRAWAL OF HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant received a Notice of Abandonment dated September 12, 2003 in connection with the above-referenced application for failure to file an appeal brief in response to a Notice of Appeal. Applicant requests the withdrawal of the holding of abandonment under 37 C.F.R. § 1.181 on the basis that the Applicant did in fact file an appeal brief for the above-referenced application on April 21, 2003, however, such brief incorrectly stated the application number.

NEW YORK 4539101

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Applicant filed an appeal brief on April 21, 2003 by express mail in furtherance of the Notice of Appeal filed in this case on December 23, 2002. A copy of the April 21, 2003 filing as well as the certificate of mailing is attached hereto. Although the appeal brief which was submitted incorrectly identifies the application number as 08/642,575, the brief correctly identifies: 1) the Applicant, Richard A. Brandt, 2) the title, Sports Racket Having a Uniform String Structure, and 3) the art unit, 3711. The appeal brief therefore has enough information to readily associate it with the application file, i.e. by conducting a name search of Richard A. Brandt, the appeal brief that was filed would be quickly and easily linked with the corresponding application file.

Applicant therefore respectfully requests that the holding of abandonment be withdrawn and the appeal brief be accepted for review.

No additional fee is believed to be necessary for this petition. The Commissioner is authorized to charge any additional fees that may be required for this application, or credit any overpayment to Deposit Account No. 50-1628.

In the event that any extension of time may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time that is required and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-1628.

If the Examiner determines that anything is necessary to place the application in better condition for allowance which Examiner believes can be handled via telephone, Applicant respectfully requests that Examiner contact the undersigned attorney at (212) 632-8435. The undersigned may also be contacted by e-mail at mwaldbaum@salans.com.

Respectfully submitted,

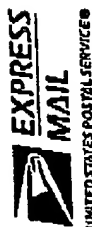


Maxim H. Waldbaum
Registration No. 26,244
Attorney for Applicant(s)

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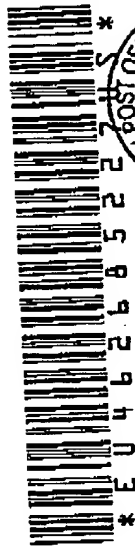
Docket No. 0200528.0006
Applicant/Patentee: Brandt, Richard A.
Serial/Patent No. 09/971,830
Filed/Issued 10/4/01
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Docket No. <u>0200528.0005</u>	
Applicant/Patentee: <u>Howard Rickard</u>	
Serial/Patent No. <u>081642575</u>	
Filed/Issued <u>May 3, 1996</u>	
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